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EXAMINER

FORD, NATHAN K

ART UNIT

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1792

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*Advisory Action*

In the amendment after final received on July 3, 2008, the applicant submits the following arguments:

- i. The applicant improperly designated element 84 of Kuwada as a component of the head mounting frame.  
Since element 84 does not support the showerhead, it cannot be considered an element of the head mounting frame (claim 1).
- ii. If element 84 is not a component of the head mounting frame, Kuwada does not properly teach at least one through-hole (claim 1).
- iii. Metzner does not teach the limitations of claim 3, namely a plurality of through-holes which accommodate the projections of a showerhead.

The above contentions are addressed as follows:

- i. The applicant's claim merely states that the head mounting frame must "support the shower head main body." The claim does not state that *every* portion of the head mounting frame must support the showerhead —this, of course, cannot be the case, as there are portions of the applicant's own head mounting frame that do not actively support the showerhead, namely the top portions which extend above the showerhead. Thus, it can be said that Kuwada teaches a head mounting frame comprising innumerable portions, some of which noticeably support the showerhead, like element 108, and some of which do not, like element 84. This interpretation is acceptable because the claim does not absolutely require that every portion of the head mounting frame support the showerhead; further, this feature of showerhead support is not the solitary or defining characteristic of the head mounting frame. For example, the head mounting frame must also comprise a through-hole, and element 84 certainly contributes to the attainment of this feature, thereby demonstrating the relevance of the element and the necessity of its inclusion in the group of element composing the head mounting frame.
- ii. Since the examiner maintains that element 84 is properly designated as a component of the head mounting frame, the through-hole remains delineated.
- iii. For purposes of clarity, the rejection of claims 3 and 8 are recapitulated: Kuwada teaches a continuous, annular attachment between the showerhead and head mounting frame. The claim, however, requires a plurality of discrete through-holes in which a plurality of projections is inserted. Nevertheless, it is well-

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known in the art to attach a showerhead to a mounting frame at discrete intervals rather than continuously. Metzner, for instance, teaches this general connective principal. Paragraph fifty-four describes a showerhead (240) attached to an overhead supporting structure (205) at discrete annular intervals, thereby demonstrating the art-recognized suitability of the connective arrangement as an alternative to the configuration disclosed by Kuwada. Given this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to affix a showerhead to a support structure at discrete intervals rather than continuously to achieve the predictable result of showerhead support. Kuwada already teaches a single through-hole and projection, and it would be within the capacity of one of ordinary skill to replicate this arrangement at a plurality of sites.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan K. Ford whose telephone number is 571-270-1880. The examiner can normally be reached on M-F, 8:30-5:00 EDT. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland, can be reached at 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/N. K. F./

Examiner, Art Unit 1792